

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,

v.

**IVAN JAMES,
KAI JAMES,
JOH WILLIAMS,
MALACHI BENJAMIN,
JAHKIEBO JOSEPH, and
ARIEL PETERSEN,**

Defendants.

CASE NO. 19-CR-00079

**UNITED STATES' MOTION TO RECALL
WITNESSES PURSUANT TO FRE RULE 611**

COMES NOW the United States of America, by and through Delia L. Smith, United States Attorney for the District of the Virgin Islands, and hereby submits the following.

The United States intends to present evidence in this case in a chronological fashion. The presentation of evidence will necessitate calling certain witnesses on multiple occasions throughout the trial as some witnesses will testify on multiple events. The United States will therefore need to recall some witnesses to testify regarding particular events in chronological order.

The United States' proposed method of presenting evidence will serve the two purposes contemplated by Fed. R. Evid. 611, Mode and Order of Interrogation and Presentation, which provides:

- (a) Control by court. The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time

Rather than overwhelming the jury with a jumbled morass of evidence, the United States

proposes that it be allowed to present its case in an organized and cohesive manner. Proceeding in this manner will avoid "needless consumption of time" and allow the United States to present to the jury the evidence relevant to each event at issue and avoid cumulative or repetitive testimony.

If the Court allows the United States to proceed with its case-in-chief presentation as set forth above, the United States requests a pretrial order that the subject of cross-examination of the United States witnesses will "be limited to the subject matter of their direct examination and matters affecting [those witnesses'] credibility." Fed. R. Evid. 611 (b).

Respectfully submitted,

Dated: November 22, 2023

s/ Delia L. Smith
DELIA L. SMITH
United States Attorney
District of the Virgin Islands
5500 Veteran's Drive, Suite 260
St. Thomas, VI 00802
Contact: (340) 774-5757
Delia.Smith@usdoj.gov